

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DESMINE A. NEWTON,
Plaintiff,

v.

Civil No. 3:23cv822 (DJN)

RAPPAHANNOCK REGIONAL JAIL,
Defendant.

MEMORANDUM OPINION


Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Neither “inanimate objects such as buildings, facilities, and grounds” nor collective terms such as “staff” or “agency” are persons amenable to suit under § 1983. *Lamb v. Library People Them*, 2013 WL 526887, at *2–3 (D.S.C. Jan. 22, 2013) (explaining that the plaintiff’s “use of the collective term ‘people them’ as a means to name a defendant in a § 1983 claim does not adequately name a ‘person’”); *see Preval v. Reno*, 2000 WL 20591, at *1 (4th Cir. 2000) (affirming district court’s determination that Piedmont Regional Jail does not constitute a “person” under § 1983). Accordingly, by Memorandum Order entered on April 3, 2024, the Court directed Plaintiff to file a particularized complaint. (ECF No. 8.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

On April 18, 2024, the Court received a notice of change of address from Plaintiff. (ECF No. 9.) Because it was unclear whether Plaintiff received the April 3, 2024 Memorandum Order, the Clerk remailed the order to Plaintiff on April 22, 2024.

More than thirty (30) days have elapsed since the Clerk remailed the April 3, 2024 Memorandum Order to Plaintiff. Plaintiff failed to submit a particularized complaint or otherwise respond to the April 3, 2024 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/ 
David J. Novak
United States District Judge

Richmond, Virginia
Dated: May 30, 2024